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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,245	10/08/2003	Robert M. Getler	2002-0657.02	1008

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EXAMINER
JAE, CHARLES J

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/682,245	GETLER ET AL.
	Examiner	**Art Unit**	
	Charles J. Jae	2109	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 October 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05 December 2003</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to the Application filed on 10/08/2003.

Claim Objections

1.   Claims 9, 11, 15, 21 and 23-24 are objected to because of the following
informalities:

In claim 9, on line 2, the term "the Internet" lacks proper antecedent basis, and should
be changed to --an internet--;

In claim 11, on line 2, the term "the Internet" lacks proper antecedent basis, and should
be changed to --an internet--;

In claim 15, on line 1, the term "the printer monitoring system" lacks proper antecedent
basis, which can be corrected by changing it to --the printer monitoring method--;

In claim 15, on line 2, the phrase "said printer status information" should be changed to -
-said first printer status information-- in order to improve the clarity of the claim;

In claim 21, on line 2, the term "the Internet" lacks proper antecedent basis, and should
be changed to --an internet--;

In claim 23, on line 2, the term "the Internet" lacks proper antecedent basis, and should
be changed to --an internet--;

In claim 24, on line 7, the term "at least one networked printer status information" has
been previously defined, and should be changed to --the at least one networked printer
status information-- in order to make proper reference to its antecedent;

In claim 24, on line 7, the term "at least one networked printer" has been previously

defined, and should be changed to --said at least one networked printer-- in order to

make proper reference to its antecedent;

In claim 24, on line 10, the term "at least one networked printer status information" has

been previously defined, and should be changed to --the at least one networked printer

status information-- in order to make proper reference to its antecedent.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 12 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In claim twelve, the reference to "said network" on line 12 is unclear, as it could mean

the first network or the second network. This language should be changed so as to

clarify this distinction. A similar problem can be found in claim 24, with the recitation of

"said network" on line 14.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-2, 4-9, 13-14, 16-21 and 25-27 rejected under 35 U.S.C. 102(b) as being anticipated by Miyachi (US 6,108,492).

Claim 1 is drawn to "a printer monitoring system, comprising:

a first network;

a first computer connected to said first network;

a first non-networked printer in communication with said first computer via a first peripheral connection, said first non-networked printer having associated therewith first printer status information;

first agent software installed on said first computer, said first agent software configured to obtain said first printer status information from said first non-networked printer;

a monitor computer in communication with said first computer via said first network;

manager software installed on said monitor computer, said manager software configured to obtain said first printer status information from said first agent software; and

a database configured to store said first printer status information, said first computer executing said first agent software to obtain said first printer status information from said first non-networked printer via said first peripheral connection, said first agent software forwarding via said first network said first printer status information to said manager software executing on said monitor computer for storage in said database."

As described in his disclosure, Miyachi's system includes a first network (LAN) (160), a host computer (110b) connected to the LAN, and a first non-networked multifunction peripheral (MFP) (110a) connected to the host computer via a peripheral (SCSI) adapter (210, 215). The host system also includes software designed for communication between the host and the MFP (column 5, lines 47-50 and column 9, lines 10-12). The host retrieves and then stores the printer status information from the MFP in a database, along with a history of previous status reports (column 9, lines 12-16). Miyachi's system also includes a remote monitoring system (170). While this system is not a part of the LAN itself, it can be understood that this remote system can be in communication with the LAN, and thereby with the host system. This connection is suggested in Figure 1 by the end of LAN (160) pointing toward PSTN (130). Alternatively, the remote system designated as the one to be notified may be a workstation (150) on the LAN (100) (column 9, lines 49-52). The host is designed to communicate the status information stored thereon to the remote monitoring system (column 10, line 61-62), so it can be assumed that the remote system must be running software to make the system capable of receiving this data, even though Miyachi does not specifically say that this is the case.

Claim 2 further adds, "wherein said first agent software is in bi-directional communication with said first non-networked printer." This is the case with Miyachi's system, as the host has the ability to monitor print, fax and scan jobs (column 5, lines 47-50), as well as the ability receive status information from the MFP (column 9, lines 10-12).

Claim 4 further adds, "wherein said first agent software is configured to poll said first

non-networked printer in order to obtain said first printer status information." The host's

processor in Miyachi's system is responsible for periodically initiating a refresh of the

status information database in its long-term storage device (column 8, lines 61-67).

This can also be called "polling".

Claim 5 further adds, "wherein said first agent software is configured to poll said first

non-networked printer on a periodic basis." As described above, Miyachi's system polls

the MFP on a periodic basis.

Claim 6 further adds, "wherein said first agent software is configured to receive

corresponding printer status information from more than one non-networked printer

directly connected to said first computer." Miyachi's system supports the connection of

multiple MFPs to a single client (column 5, lines 34-36).

Claim 7 further adds, "at least one additional non-networked printer, each said at least

one non-networked printer being in communication with said first computer via a

corresponding peripheral connection, each said at least one additional non-networked

printer having associated therewith a corresponding printer status information, wherein

said first agent software is configured to obtain said corresponding printer status

information from said at least one additional non-networked printer via said

corresponding peripheral connection, said first agent software forwarding via said first

network said corresponding printer status information to said manager software

executing on said monitor computer, and said manager software configured to receive

said corresponding printer status information from said first agent software and store

said corresponding printer status information in said database." As described above in claim 6, Miyachi's system has the ability to connect more than one MPF to a host. This connection functions as described in the pervious claims above, which also meets the limitations of this claim.

Claim 8 further adds, "a second computer connected to said first network;

a second non-networked printer in communication with said second computer via a second peripheral connection, said second non-networked printer having associated therewith second printer status information;

second agent software installed on said second computer, said second agent software configured to obtain said second printer status information from said second non-networked printer,

said database configured to store said second printer status information, and

said second computer executing said second agent software to obtain said second printer status information from said second non-networked printer via said second peripheral connection, said second agent software forwarding via said first network said second printer status information to said manager software executing on said monitor computer for storage in said database." This claim is drawn to a second copy of the system as described in the preceding claims, and as such, Miyachi's system meets the limitations of this claim as described above.

Claim 9 further adds, "wherein said first network is one of a local area network and the Internet." The first network in Miyachi's system is a local area network (LAN) (100).

Claim 13 is drawn to "A method for monitoring a primer, comprising the steps of:

installing first agent software on a first computer, said first agent software

configured to obtain said first printer status information from a first non-networked

printer in communication with said first computer via a first peripheral connection, said

first non-networked printer having associated therewith first printer status information;

installing manager software on a monitor computer in communication with said first

computer via a first network, said manager software configured to obtain said first

printer status information from said first agent software;

executing on said first computer said first agent software to obtain said first printer

status information from said first non-networked printer via said first peripheral

connection, said first agent software forwarding via said first network said first printer

status information to said manager software executing on said monitor computer; and

executing on said monitor computer said manager software to receive said first

printer status information and store said first printer status information in a database

configured to store said first printer status information." It is inherent that in order to use

software, it must first be installed an executed. Miyachi's system meets all of the other

limitations of this claim as described in claim 1 above.

Claim 14 further adds, "wherein said first agent software is in bi- directional

communication with said first non-networked printer." This limitation is met as described

in claim 2 above.

Claim 16 further adds, "said first agent software polling said first non-networked printer in order to obtain said first printer status information." This limitation is met as described in claim 4 above.

Claim 17 further adds, "said first agent software polling said first non-networked printer on a periodic basis." This limitation is met as described in claim 5 above.

Claim 18 further adds, "said first agent software receiving corresponding printer status information from more than one non-networked printer directly connected to said first computer." This limitation is met as described in claim 6 above.

Claim 19 further adds, "further comprising the step of: executing on said first computer said first agent software to obtain corresponding printer status information from at least one additional non-networked printer via a corresponding peripheral connection, said first agent software forwarding via said first network said corresponding printer status information to said manager software executing on said monitor computer, and said manager software receiving said corresponding printer status information and storing said corresponding printer status information in said database." This limitation is met as described in claim 7 above.

Claim 20 further adds, "further comprising the steps of:

installing second agent software on a second computer connected to said first network, said second agent software configured to obtain second printer status information from said second non-networked printer;

executing on said second computer said second agent software to obtain said

second printer status information from said second non-networked printer via said

second peripheral connection;

said second agent software forwarding via said first network said second printer

status information to said manager software executing on said monitor computer; and

said manager software receiving said second printer status information and storing

said second printer status information in said database." As stated above, it is inherent

that in order to use software, it must first be installed an executed. Miyachi's system

meets all other limitations of this claim as described in claim 8 above.

Claim 21 further adds, "wherein said first network is one of a local area network and the

Internet." This limitation is met as described in claim 9 above.

Claim 25 is drawn to "a method for monitoring a printer, comprising the steps of:

requesting via a first peripheral connection first printer status information

associated with a first non-networked printer;

receiving via said first peripheral connection said first printer status information; and

transmitting via a first network said first printer status information to a monitor

computer for storing in a database." In Miyachi's system, the host requests the status

information from the MFP, and the MFP sends the status information to the host

(column 8, lines 61-67). The host then sends the status information to the remote

monitoring system (column 10, lines 60-63) for storage there until needed by the

technician. As described in claim 1 above, this monitoring station may be either the

remote monitoring system (170) connected to the host through the PSTN (130), or a

workstation (150) on the LAN (100).

Claim 26 is drawn to "a method for monitoring a printer, comprising the steps of:

receiving at a first non-networked printer a request from a first computer for

associated first printer status information via a first peripheral connection;

transmitting via said first peripheral connection said first printer status information to

said first computer for transmission to a monitor computer via a first network for storage

in a database configured to store said first printer status information." The limitations of

this claim are met as described in claim 25 above.

Claim 27 is drawn to "a method for monitoring a printer, comprising the steps of:

receiving first printer status information associated with a first non-networked

printer from a first computer via a first network, said first non-networked printer in

communication with said first computer via a first peripheral connection; and

storing said first printer status information in a database configured to store said

first printer status information." The limitations of this claim are met as described in

claim 25 above.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 3, 10-12, 15, and 22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Miyachi (US 6,108,492) in view of Sekizawa (US 6,430,711).

Miyachi's system meets all of the limitations of claims 1 and 2 as described above.

Miyachi's system does not meet the limitations of obtaining printer status information on

demand, having a data collection computer connected to a second network, that second

network being either a LAN or the Internet, or monitoring the status of at least one

networked printer in the same fashion as the non-networked printers.

These general practices are well known in the art, however, as shown by Sekizawa in

his patent for monitoring networked devices.

Sekizawa's system normally monitors the status of a plurality of machines on a periodic

basis, but when one of the machines returns an abnormal status, his local information

getting means can request status information from that machine at an interval shorter

than the normal time period, or on demand (column 5, lines 17-21), as required by claim

3. Sekizawa's system also includes an integrated monitor unit configured to receive the

status information from a local monitor unit via a second network connection. The local

monitor unit stores the status information in a database, and extracts that information to

send to the integrated monitor unit (column 3, lines 21-27), as required by claim 10.

This second network is the Internet (column 3, lines 61-63), as required by claim 11.

Sekizawa's system monitors networked printers (column 5, lines 61-62) by using

provided functions to get the status information from them (column 3, lines 51-51), as required by claim 12.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Miyachi's remote monitoring system to include the use of Sekizawa's integrated monitor unit, networked printer management, and the use of the Internet as the second network as a way in which to Increase the capabilities of the monitoring system while reducing the cost of communications required for the status notifications.

Miyachi's system meets all of the limitations of claims 13 and 14 as described above. Miyachi's system does not meet the limitations of obtaining printer status information on demand, having a data collection computer connected to a second network, that second network being either a LAN or the Internet, or monitoring the status of at least one networked printer in the same fashion as the non-networked printers.

These general practices are well known in the art, however, as shown by Sekizawa in his patent for monitoring networked devices.

Sekizawa's system normally monitors the status of a plurality of machines on a periodic basis, but when one of the machines returns an abnormal status, his local information getting means can request status information from that machine at an interval shorter than the normal time period, or on demand (column 5, lines 17-21), as required by claim 15. Sekizawa's system also includes an integrated monitor unit configured to receive the status information from a local monitor unit via a second network connection. The

local monitor unit stores the status information in a database, and extracts that information to send to the integrated monitor unit (column 3, lines 21-27), as required by claim 22. This second network is the Internet (column 3, lines 61-63), as required by claim 23. Sekizawa's system monitors networked printers (column 5, lines 61-62) by using provided functions to get the status information from them (column 3, lines 51-51), as required by claim 24.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the Miyachi's remote monitoring system to include the use of Sekizawa's integrated monitor unit, networked printer management, and the use of the Internet as the second network as a way in which to Increase the capabilities of the monitoring system while reducing the cost of communications required for the status notifications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles J. Jae whose telephone number is 571-270-1590. The examiner can normally be reached on Monday thru Friday, 7:30AM-5:00PM, Alt Fridays Off.
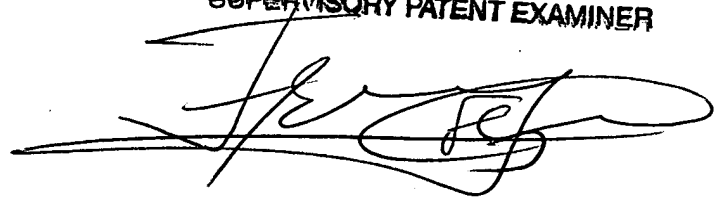
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-270-1808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CJJ
02/26/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER